



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, DECEMBER 2, 2004**

**Invocation:** Rev. Joseph McTear Jr., Evangelist President, Austin District, Church of God in Christ

**The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 2, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.**

**Mayor Wynn called the Council Meeting to order at 10:11 a.m.**

**CONSENT AGENDA**

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member' Alvarez motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.**

1. Approval of minutes from the meeting of November 18, 2004.  
**The minutes from the regular meeting of November 18, 2004 were approved.**

**Item 2 was pulled for discussion**

3. Approve an Interlocal Cooperation Agreement with Travis County relating to STAR Flight emergency medical services requiring the City to provide all medical personnel and a STAR Flight Program Manager, and requiring the County to provide aviation personnel, helicopters, and aviation management. (Funding in the amount of \$1,133,304 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the EMS Travis County Reimbursed Fund. Funding for extension options is contingent upon available funding in future budgets.) (Related Item 4)  
**The motion authorizing the Interlocal Cooperation Agreement was approved.**
4. Approve an Interlocal Cooperation Agreement with TRAVIS COUNTY for the provision by the City of ground emergency medical services in Travis County outside the City of Austin's corporate limits. (Funding the amount of \$8,265,789 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the EMS General Fund. Funding for extension options is contingent upon available funding in future budgets.) (Related Item 3)  
**The motion authorizing an Interlocal Cooperation Agreement was approved.**

5. Approve an ordinance on third reading, amending Ordinance No. 000420-28, a franchise permitting the delivery of cable services granted to Grande Communications, Inc. that: extends the deadline for completing the City-wide build-out of facilities by sixty (60) months; extends the initial term of the franchise by one year; and reduces by one year the franchise extension term. (Approved by the Council Committee for Telecommunications Infrastructure.)  
**Ordinance No. 041202-5 was approved.**
6. Approve a resolution ratifying an interim Collective Bargaining Contract with Austin firefighters that expires on September 30, 2005. (Funding in the amount of \$1,466,011 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Fire Department.)  
**Resolution No. 041202-6 was approved.**
7. Amend the Fiscal Year 2004-2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$809,146 received in Medicaid Administrative Claiming Funds and to increase the transfer to the Capital Budget by an amount of \$698,245; amend the Fiscal Year 2004-2005 Health and Human Services Department Capital Budget of Ordinance No. 040913-02 to appropriate \$698,245 for the HHSD Phase II Renovations project.. (\$809,146 from the Medicaid Administrative Claiming Funds and interest earned on those funds.)  
**Ordinance No. 041202-07 was approved.**
8. Authorize negotiation and execution of an outside counsel contract with KEMP SMITH LLC, Austin, TX, for legal counsel concerning issues relating to the November 3, 2003 explosion at the proposed North Austin Service Center, 10715 Burnet Road. (Funding in the amount of \$150,000 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) (Related Item 45)  
**The motion authorizing negotiation and execution of an outside counsel contract was approved.**
9. Approve an ordinance amending Ordinance No 041118-12 to correct the effective date of the annexation of the Avery Ranch Arcas (approximately 73.948 acres in Williamson County).  
**Ordinance No. 041202-9 was approved.**
10. Approve an ordinance authorizing acceptance of \$3,000 in grant funds from the Texas State Library and Archives Commission Texas Reads grant and amending Fiscal Year 2004-2005 Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$3,000 to the Austin Public Library's English language skills project entitled "Talk Time." (Funding in the amount of \$3,000 is available from the Texas State Library and Archives Commission. The grant period is January 1, 2005 through August 31, 2005. No City match is required.)  
**Ordinance No. 041202-10 was approved.**
11. Approve a resolution authorizing the release of two tracts totaling approximately 48.112 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the City of Dripping Springs (One of the proposed release tracts is approximately 630 feet west of the intersection of US 290 W and Nutty Brown Road, and the other proposed release tract is at the intersection of Nutty Brown Road and Kit Carson Drive).  
**This item was postponed to December 16, 2004.**

**Item 12 was pulled for discussion**

13. Approve an ordinance for the full purpose annexation of the FM 620 ROW Area (Approximately 9.78 acres of FM 620 right-of-way in Travis County from approximately four tenths of a mile south of the intersection of FM 620 and Boulder Lane south to the current city limit). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)  
**Ordinance No. 041202-13 was approved.**
14. Approve an ordinance on first reading only to annex the Goodnight Ranch Area for the limited purposes of planning and zoning (Approximately 714 acres in southeastern Travis County east of Old Lockhart Highway approximately one tenth of a mile east of the intersection of Slaughter Lane and Old Lockhart Highway). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)  
**The first reading of the ordinance was approved.**
15. Approve an ordinance for the full purpose annexation of the Seton Southwest Area (Approximately 73 acres in Travis County south of US Highway 290 West at the southwest corner of the intersection of US Highway 290 West and FM 1826). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)  
**Ordinance No. 041202-15 was approved.**

**Item 16 was pulled for discussion.**

17. Approve negotiation and execution of a Parkland Improvement Agreement with the Friends of Deep Eddy, Inc. (Friends) to allow the Friends to repair and renovate the historic Deep Eddy bathhouse. (Funding in the amount of \$40,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Parks and Recreation Department. All additional costs to be paid for by the Friends of Deep Eddy, Inc.)  
**The motion authorizing the negotiation and execution of a parkland improvement agreement was approved.**
18. Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a permanent waterline easement containing 3,159 square feet and a temporary working space easement containing 400 square feet in the James Burleson Survey No. 19, Abstract No. 4, Travis County, Texas, in the amount of \$670. The owner of the property interests sought to be acquired is 7400 WEBBERVILLE ROAD, INC., Austin, TX. The property is located at 7400 FM Road 969, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 041202-18 was approved.**
19. Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a permanent wastewater line easement containing 6,600 square feet of land in the James Burleson Survey No. 19, Abstract No. 4, Travis County, TX, in the amount of \$908. The owner of the property interest sought to be acquired is MOHAMMAD ARAMI, who lives in Austin, TX. The property is located at 0 FM Road 969, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 041202-19 was approved.**

20. Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a 2,250 square foot permanent waterline easement out of Lot A, Daywood Subdivision No. 2 in Travis County, Texas in the amount of \$1,069. The owner of the property interest sought to be acquired is ROOHI-JOOHI, INC., Austin, TX. The property is located at 7700 East Martin Luther King Boulevard, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 041202-20 was approved.**
21. Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a 1,191 square foot permanent waterline easement in the James Burlson Survey No. 19, Abstract No. 4, Travis County, TX, being a portion of Lot 1, Blum Addition, in the amount of \$1,490. The owner of the property interest sought to be acquired is GRIESBACH PROPERTIES, INC., Austin, TX. The property is located at 7608 FM Road 969, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 041202-21 was approved.**
22. Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a 7,400 square foot permanent waterline easement, a 400 square foot temporary work space easement, and a 399 square foot temporary work space easement in the James Burlson Survey No. 19, Abstract No. 4, Travis County, TX, in the amount of \$6,240. The owner of the property interests sought to be acquired is GRIESBACH PROPERTIES, INC., Austin, TX. The property is located at 7712 FM Road 969, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 041202-22 was approved.**
23. Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a 262 square foot permanent waterline easement located in the James Burlson Survey No. 19, Abstract No. 4, Travis County, TX, (Lot 1, Gerald Addition), in the amount of \$330. The owner of the property interest sought to be acquired is GRIESBACH PROPERTIES, INC., Austin, TX. The property is located at 7816 FM Road 969, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 041202-23 was approved.**
24. Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a 2,257 square foot permanent waterline easement located in the James Burlson Survey No. 19, Abstract No. 4, Travis County, TX, (Lot 2, Gerald Addition) in the amount of \$2,820. The owner of the property interest sought to be acquired is GRIESBACH PROPERTIES, INC., Austin, TX. The property is located at 7900 FM Road 969, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 041202-24 was approved.**
25. Authorize negotiation and execution of a twelve month lease and one six month extension of 4,795 square feet of space for the Family Violence Protection Team of the Austin Police Department, located at 1106 Clayton Lane, Suites 490E and 456E, Austin, TX, from TWIN TOWERS LTD., PARTNERSHIP, Austin, TX, in an amount not to exceed \$76,720.02, with one six month extension option, in an amount not to exceed \$33,565.02, for a total amount not to exceed \$110,285.04. (Funding in the amount of \$71,925.03 is included in the Fiscal Year 2004-2005 Operating Budget of the Austin Police Department. Funding for the remainder of the lease term and the extension option is contingent upon available funding in future budgets.)

**The motion authorizing the negotiation and execution of a lease and an extension was approved.**

26. Approve negotiation and execution an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for the rehabilitation of an existing bridge on East 7<sup>th</sup> Street at Tillery, and Austin and Northwestern Railroad, in an amount not to exceed \$211,345. (Project participation cost is 90% TxDOT, 10% City of Austin. \$211,345 is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department.)

**The motion authorizing the execution of an Interlocal Agreement was approved.**

27. Authorize negotiation and execution of a 12-month service agreement with PECAN STREET OWNERS ASSOCIATION, Austin, TX, for the management of the E. 6<sup>th</sup> Street Public Improvement District Service Plan in an amount not to exceed \$76,731, with four 12-month extension options in an amount not to exceed \$76,731 per extension option, for a total agreement amount not to exceed \$383,655. (Funding in the amount of \$43,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. \$37,231 is anticipated in 2005 Public Improvement District assessments (at a 96% collection rate), of which \$4,000 will be maintained as a reserve. Funding for the extension options is contingent upon available funding in future budgets.) One proposal received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a service agreement was approved.**

28. Authorize execution of a contract with SIMPLEXGRINNELL, Round Rock, TX, for the repair of the fire sprinkler system in the east and west cooling towers at the Austin Energy Domain plant in an amount not to exceed \$75,328.57. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a contract was approved.**

29. Authorize negotiation and execution of a contract with UTC POWER, LLC, South Windsor, CT, for the purchase of a Zero Emission Power System in an amount not to exceed \$103,000. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Sole Source This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a contract was approved.**

30. Authorize execution of a 12-month service agreement with HEWLETT-PACKARD COMPANY, Palo Alto, CA, through the State of Texas Department of Information Resources for hardware and software maintenance and support services in an amount not to exceed \$155,360, with four 12-month extension options in an amount not to exceed \$155,360, for a total agreement amount not to exceed \$776,800 (Funding in the amount of \$100,064 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding in the amount of \$55,296 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Cooperative Purchasing.

**The motion authorizing the execution of a service agreement was approved.**

31. Authorize execution of a 12-month service agreement with STERICYCLE, INC, San Antonio, TX, for medical waste disposal services in an amount not to exceed \$79,050, with two 12-month extension options in an amount not to exceed \$79,050 per extension option, for a total agreement amount not to exceed \$237,150. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budgets of the following departments: Community Care Services, \$30,000; Health and Human Services, \$15,000; Emergency Medical Services, \$12,500; Austin Police, \$8,120; and Solid Waste Services, \$250. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a service agreement was approved.**

32. Authorize execution of Amendment No. 2 to the agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX, to increase the contract for safety jackets for the Emergency Medical Services Department in an amount not to exceed \$11,200, for a total revised agreement amount not to exceed \$145,600. (Funding in the amount of \$11,200 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Emergency Medical Services Department. Funding for the extension option is contingent upon available funding in future budgets.) The original contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the execution of Amendment No. 2 to the agreement was approved.**

33. Authorize execution of a 12-month service agreement with VALDEZ REMODELING & WEATHERIZATION, INC. (MBE-FH/100%), Austin, TX, for residential roofing services for the Neighborhood Housing and Community Development Department in an amount not to exceed \$150,000, with two 12-month extension options in an amount not to exceed \$150,000 per extension, for a total agreement amount not to exceed \$450,000. (Funding in the amount of \$150,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy and administered by the Neighborhood Housing and Community Development Department for the Holly Good Neighbor Program. Funding for the extension options is contingent upon available funding in future budgets.) Lowest responsive bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a service agreement was approved.**

34. Authorize negotiation and execution of a contract with PORTER LEE CORPORATION, Schaumburg IL, for the purchase of a forensic laboratory information management system for the Austin Police Department in an amount not to exceed \$298,878, with four 12-month extension options for maintenance in an amount not to exceed \$22,800 per extension option, for a total contract amount not to exceed \$390,078. (Funding in the amount of \$298,878 is available in the Fiscal Year 2004-2005 Approved Operating Budget, Special Revenue Fund of the Austin Police Department. Funding in the amount of \$121,000 will be provided through grant funding from the U.S. Department of Justice, National Institute of Justice, Fiscal Year 2004 DNA Capacity Enhancement program. An additional \$177,878 is included Asset Forfeiture Funds.) Best proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-

9 of the City Code (Minority-owned and Woman-owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a contract was approved.**

35. Authorize execution of a 12-month supply agreement with GT DISTRIBUTORS, INC., Austin, TX, for ammunition in an amount not to exceed \$85,060.30, with two 12-month extension options in an amount not to exceed \$85,060.30 per extension option, for a total agreement amount not to exceed \$255,180.90. (Funding in the amount of \$70,884 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a supply agreement was approved.**

36. Authorize execution of two contracts through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of 56 police patrol sedans, one utility vehicle, and one administrative sedan in an amount not to exceed \$1,367,507.80; and with LAWRENCE MARSHALL DEALERSHIPS, Hempstead, TX, for the purchase of four unmarked sedans and five full-size cargo vans in an amount not to exceed \$191,548.03. (Funding in the amount of \$1,349,682.28 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund. Funding in the amount of \$129,585.66 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department. Funding in the amount of \$21,597.61 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Parks and Recreation Department. Funding in the amount of \$58,190.28 is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund.) Purchasing Cooperative

**The motion authorizing the execution of the contracts was approved.**

37. Authorize execution of a contract with PHILPOTT MOTORS LTD, Nederland, TX, for the purchase of five electric hybrid sport utility vehicles for the Austin Police Department in an amount not to exceed \$119,995. (Funding is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund.) Lowest bid of two bids received.

**The motion authorizing the execution of a contract was approved.**

38. Authorize execution of a 12-month service agreement with ATX MOVING SYSTEMS, Austin, TX, for moving and storage services related to the lead-based paint abatement program for the Neighborhood Housing and Community Development Department in an amount not to exceed \$53,664, with two 12-month extension options in an amount not to exceed \$53,664 per extension option, for a total agreement amount not to exceed \$160,992. (Funding in the amount of \$44,720 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Neighborhood Housing and Community Development Department. Funding is from the Lead Hazard Control Grant. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a service agreement was approved.**

39. Authorize negotiation and execution of a 12-month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, TX, for temporary clerical personnel services in an amount not to exceed \$81,900, with two 12-month extension options in an amount not to exceed \$81,900, for a total agreement amount not to exceed \$245,700. (Funding in the amount of \$68,250 is available in the Fiscal Year 2004-2005 Approved Operating Budget of various departments. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Cooperative Purchasing.

**The motion authorizing the negotiation and execution of a service agreement was approved.**

40. Board and Commission appointments.

**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Austin Community Education Consortium</u> Connie Sadowski	Consensus	Appointment
<u>Building and Standards Commission</u> Gilbert Martinez	Consensus	Reappointment
<u>Construction Advisory Committee</u> Conrad Masters	Mayor Wynn's	Reappointment
<u>Design Commission</u> Holly Kincannon Perry Lorenz	Mayor Pro Tem Goodman's Council Member Slusher's	Reappointment Reappointment
<u>Ethics Review Commission</u> Catherine Kyle (Austin Bar Association Rep.)	Consensus	Appointment
<u>Human Rights Commission</u> William Hale James Hill Juliet Nious	Mayor Wynn's Consensus Council Member Thomas'	Reappointment Reappointment Reappointment
<u>Mexican American Cultural Center Advisory Board</u> Martha Cotera Clemencia Zapata	Consensus Consensus	Reappointment Reappointment
<u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u> Donna Carter	Consensus	Reappointment

**Item 41 was pulled for discussion.**

42. Approve an ordinance authorizing the waiver of police costs for the James Bowie High School Band March-a-thon to be held on December 11, 2004 and authorizing payment of those police costs by the City. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)  
**Ordinance No. 041202-42 was approved.**
43. Set a public hearing to consider a request for a variance from the Land Development Code Section 25-7-92 (B) to allow construction of a single-family residence at 10027 Wild Dunes Drive (Lot 23) and 4514 Wild Dunes Court (Lot 22) in the 100-year floodplain of Onion Creek and to waive requirement to dedicate a drainage easement to the limits of the 100-year floodplain. (Suggested date and time: December 16, 2004 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building.)  
**The public hearing was set for December 16, 2004 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building.**

### DISCUSSION ITEMS

16. Approve an ordinance on second/third reading amending Chapters 2-1, 11-1, 25-2, 25-3, 25-6, 25-10, and 25-11 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits; and repealing Sections 2-1-292 and 2-1-295 of the City Code. (Reviewed by Historic Landmark Commission and the Planning Commission.)  
**Ordinance No. 041202-16 was approved as follows on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was off the dais because he was abstaining. The friendly amendment from Council Member Alvarez was to have Page 12, 11-1-83 Revitalization Area Program, (C), (1), (c) read, "the cost of restoration that is completed must be at least 10 percent of the pre-restoration value, excluding the value of the land." This was accepted by the maker of the motion and Mayor Pro Tem Goodman, who made the second.**
41. Approve a resolution approving issuance by Northwest Austin Municipal Utility District No. 1 of its Unlimited Tax Refunding Bonds, Series 2004, in an amount not to exceed \$2,900,000; and approving a substantial draft of the proposed Bond Order and Preliminary Official Statement. (Council Member Brewster McCracken)  
**Resolution No. 041202-41 was approved with the following amendment on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The resolution was amended by changing number 2 on the second page to read, "the Series 2004 Refunding Bonds provide a minimum net present value savings of at least 3.0%."**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:04 p.m.**

### EXECUTIVE SESSION

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

**Private Consultation with Attorney - Section 551.071**

44. Discuss legal issues regarding anticipated legislation in the Texas 79<sup>th</sup> Legislative Session that affects the City of Austin.  
**This item was withdrawn.**
45. Discuss legal issues regarding the November 3, 2003 explosion at the proposed North Austin Service Center located at 10715 Burnet Road and the legal service contract with Kemp Smith LLP. (Related Item 8)  
**This item was withdrawn.**

**Real Property - Section 551.072**

46. Discuss terms of sale for the Mueller site (formerly Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.

**Executive Session ended and Mayor Wynn recessed the Council Meeting at 11:33 a.m.**

**Mayor Wynn called the Council Meeting back to order at 12:02 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL**

Judy Leary - Pan-Handling

Pat Johnson - Visacad (43) Nightmares (CTECC)

Mike Alexander - "Idling Truck Ordinance"

Mary Lehmann - Master Development Agreement

Harry O'Steen - Water and Wastewater failure to execute a contract. **He was not present when his name was called.**

Jennifer L. Galc - 37 Corpus Juris Secundum - Fraud no Intent b"...

Where, however, the speaker is from his situation persumably conversant with the facts, a fraudulent tent may be inferred from the falsity of representation." CMTA Briefing

Betty Quinell - Discrimination by Internal Affairs Division & Misconduct by Police Department

**Mayor Wynn recessed the Council Meeting at 12:41 p.m.**

**Mayor Wynn called the Council Meeting back to order at 2:33 p.m.**

**BRIEFINGS**

47. Briefing from the Operation Prepared Community: Project Massada team on their initial observations and impressions of counter terrorism preparedness and response activities in Israel and the integration of this information into homeland security in the City of Austin.  
**The presentation was made by Rudy Garza, Acting Assistant City Manager; Chris Callsen, Jr., Strategic Planning Officer for EMS, and Dr. Pat Crocker.**

Mayor Wynn recessed the Council Meeting at 3:14 p.m.

Mayor Wynn called the Council Meeting back to order at 4:08 p.m.

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

50. C14-04-0143 - Rundberg Lane East - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 401-405 East Rundberg Lane (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to general office-conditional overlay (GO-CO) combining district zoning. First reading on November 4, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hsu Realty (Chi-kao Hsu). Land Answers (Jim Whitliff). City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 041202-50 for general office-conditional overlay (GO-CO) combining district zoning was approved.**
51. C14-03-0125 - Wagner Tract - Approve second /third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13801-14409 North IH-35 Service Road North Bound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. First reading on June 17, 2004. Vote: (7-0); Approved CS-CO as recommended by staff, with additional conditions. Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Karl B. Wagner, Jr., Mary Ella Wagner Jones, and JP Morgan Chase Bank (Terry Anderson, Trust Officer). Agent: Doucet & Associates, Inc. (Carol M. Stewart). City Staff: Sherri Gager, 974-3057.  
**This item was postponed to February 10, 2005 at the applicant's request.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

- Z-1 C14H-89-0002 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Willie Wells House, 1705 Newton Street (East Bouldin Creek Watershed) from Family Residence, Neighborhood Plan (SF-3-NP) district zoning to Family Residence, Neighborhood Plan-Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Neighborhood Plan-Historic (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence, Neighborhood Plan-Historic (SF-3-H-NP) combining district zoning. Applicant: Danny Bingham, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-1 for Family Residence, Neighborhood Plan-Historic (SF-3-H-NP) combining district zoning was approved.**

- Z-2 C14H-00-2003 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Susanna Dickinson House on Brush Square, 409 E. 5<sup>th</sup> Street (Town Lake Watershed), from Public-Historic (P-H) to Public-Historic (P-H) to provide for the individual designation of the Susanna Dickinson House on Brush Square. Historic Landmark Commission Recommendation: To grant Public-Historic (P-H) to provide for the individual designation of the Susanna Dickinson House on Brush Square. Zoning and Platting Commission Recommendation: To grant Public-Historic (P-H) to provide for the individual designation of the Susanna Dickinson House on Brush Square. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-2 for Public-Historic (P-H) was approved.**
- Z-3 C14H-04-0010 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Robinson-Watt House, 1502 Marshall Lane (Shoal Creek Watershed) from Single-Family Residence – Standard Lot (SF-2) district zoning to Single-Family Residence – Standard Lot - Historic (SF-2-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Single-Family Residence – Standard Lot - Historic (SF-2-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant Single-Family Residence – Standard Lot - Historic (SF-2-H) combining district zoning. Applicant: Bill Kelly and Marie Crane, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-3 for Single-Family Residence – Standard Lot - Historic (SF-2-H) combining district zoning was approved.**
- Z-4 C14H-04-0011 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Eby-Potts House, 609 W. 33rd Street (Waller Creek Watershed) from Family Residence, Conditional Overlay, Neighborhood Plan (SF-3-CO-NP) district zoning to Family Residence, Conditional Overlay, Neighborhood Plan – Historic (SF-3-CO-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Conditional Overlay, Neighborhood Plan – Historic (SF-3-CO-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Conditional Overlay- Historic-Neighborhood Plan (SF-3-CO-H-NP) combining district zoning. Applicant: Dr. Keith Lamy, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-4 for Family Residence-Conditional Overlay- Historic-Neighborhood Plan (SF-3-CO-H-NP) combining district zoning was approved.**
- Z-5 C14H-04-0012 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Judge Graves House, 2 Green Lanes (Shoal Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence – Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence – Historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant Family Residence – Historic (SF-3-H) combining district zoning. Applicant: Terry and Judy Bray, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-5 for Family Residence – Historic (SF-3-H) combining district was approved.**

- Z-6 C14H-04-0013 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Keith House, 2400 Harris Boulevard (Shoal Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence– Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Applicant: James and Linda Magnuson, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-6 for Family Residence-Historic (SF-3-H) combining district zoning was approved.**
- Z-7 C14H-04-0015 - Conduct a public hearing and approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Gregg House, 2700 E. 12th Street (Boggy Creek Watershed) from Family Residence, Neighborhood Plan (SF-3-NP) combining district zoning to Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Neighborhood Plan - Historic, combining district zoning. Planning Commission Recommendation: To grant Family Residence, Neighborhood Plan - Historic, combining district zoning. Applicant: Leroy Andrews, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**The first reading of the ordinance for SF-3-H-NP was approved.**
- Z-8 C14H-04-0016 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Becker-Wilde House, 1207 W. 6th Street (Town Lake Watershed) from general Commercial Services-Mixed Use, Conditional Overlay, Neighborhood Plan (CS-MU-CO-NP) combining district zoning to general Commercial Services-Mixed Use, Conditional Overlay, Neighborhood Plan - Historic (CS-MU-CO-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant general Commercial Services-Mixed Use, Conditional Overlay, Neighborhood Plan - Historic (CS-MU-CO-H-NP) combining district zoning. Planning Commission Recommendation: To grant general Commercial Services-Mixed Use, Conditional Overlay, Neighborhood Plan - Historic (CS-MU-CO-H-NP) combining district zoning. Applicant: John Andrews, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-8 for general Commercial Services-Mixed Use, Conditional Overlay, Neighborhood Plan - Historic (CS-MU-CO-H-NP) combining district zoning was approved.**
- Z-9 C14H-04-0017 - Conduct a public hearing and approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Costley-Goins House, 1157 San Bernard Street (Town Lake Watershed) from Family Residence, Neighborhood Plan (SF-3-NP) combining district zoning to Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Applicant: Lloyd and Libby Doggett, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**The first reading of the ordinance for Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning was approved.**

- Z-10 C14H-04-0018 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Travis Heights House, 1007 Milam Place (Town Lake Watershed) from Family Residence, (SF-3) district zoning to Family Residence – Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence – Historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant Family Residence – Historic (SF-3-H) combining district zoning. Applicant: Ward Keeler and Leslie Morris, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-10 for Family Residence – Historic (SF-3-H) combining district zoning was approved.**
- Z-11 C14H-04-0019 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Padgett-Painter House, 105 W. 32nd Street (Waller Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence – Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Applicant: Ross and Suzanne Pringle, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**This item was postponed to December 16, 2004 at staff's request.**
- Z-12 C14H-04-0020 - Conduct a public hearing and approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the James and Mary Owens House, 1809 E. 13th Street (Boggy Creek Watershed) from General Commercial Services, Neighborhood Plan (CS-NP) combining district zoning to General Commercial Services, Neighborhood Plan - Historic (CS-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant General Commercial Services, Neighborhood Plan - Historic (CS-H-NP) combining district zoning. Planning Commission Recommendation: To grant General Commercial Services-Historic-Neighborhood Plan (CS-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**The first reading of the ordinance for General Commercial Services-Historic-Neighborhood Plan (CS-H-NP) combining district zoning was approved.**
- Z-13 C14H-04-0021 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Curl-Crockett House, 213 W. 41st Street (Waller Creek Watershed) from Family Residence, Neighborhood Conservation Combining District (SF-3-NCCD) zoning to Family Residence, Neighborhood Conservation Combining District - Historic (SF-3-H-NCCD)) zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Neighborhood Conservation Combining District - Historic (SF-3-H-NCCD)) zoning. Planning Commission Recommendation: To grant Family Residence, Neighborhood Conservation Combining District - Historic (SF-3-H-NCCD)) zoning. Applicant: Nicholas van Bavel, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-13 for Family Residence, Neighborhood Conservation Combining District - Historic (SF-3-H-NCCD) zoning was approved.**

- Z-14 C14H-04-0022 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Max Starcke House, 1400 Hardouin Avenue (Shoal Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence- Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence- Historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant Family Residence- Historic (SF-3-H) combining district zoning. Applicant: Sandy and Camille Kress, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-14 for Family Residence- Historic (SF-3-H) combining district zoning was approved.**
- Z-15 C14H-04-0023 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Del Curto-Nowotny House, 102 Laurel Lane (Waller Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence – Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Applicant: Laurie Aroch, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**This item was postponed to December 16, 2004 at staff's request.**
- Z-16 C14H-04-0024 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Old Golf Club House, 512 E. 39th Street (Waller Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence-Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Applicant: Mary Ann Osborne, owner. Agent: Maverick F. Fisher. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**This item was postponed to December 16, 2004, at staff's request.**
- Z-17 C14H-04-0025 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Worley House, 802 E. 47th Street (Waller Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence-Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Historic (SF-3-H) combining district zoning. Applicant: Ellen Williams, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.  
**Ordinance No. 041202-Z-17 for Family Residence-Historic (SF-3-H) combining district zoning was approved.**

- Z-18 C14-04-0124 - Harrell Tract #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10116 South IH-35 Service Road Southbound; 9800-10000 South First Street (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1A and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1B. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1A and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1B, with conditions. Applicant: Edwin Tabb Harrell. Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 041202-Z-18 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1A and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1B, with conditions, was approved.**
- Z-19 C14-04-0125 - Harrell Tract # 3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10000-10450 South First Street (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning, with conditions. Applicant: Edwin Tabb Harrell. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 041202-Z-19 for multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning, with conditions was approved.**
- Z-20 C14-04-0126 - Harrell Tract # 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10100-10182 South IH-35 Service Road Southbound; 10100-10128 Old San Antonio Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: Edwin Tabb Harrell. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 041202-Z-20 for general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions was approved.**
- Z-21 C14-04-0160 - Harrell Tract #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10184-10224 South IH-35 Service Road Southbound; 10101-10139 Old San Antonio Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: Edwin Tabb Harrell. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 041202-Z-21 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved.**

- Z-22 C14-04-0056 - Fish Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13600-14224 Dessau Road (Harris Branch Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence standard lot (SF-2) district, townhouse & condominium residence (SF-6) district, multi-family residence medium density (MF-3) district, and general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) district, townhouse & condominium residence (SF-6) district, multifamily residence medium density (MF-3) district, neighborhood commercial (LR) district, neighborhood commercial-mixed use (LR-MU) combining district, community commercial (GR) district, and community commercial-mixed use (GR-MU) combining district zoning. Applicant: John Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Gager, 974-3057.  
**This item was postponed to December 16, 2004 at the applicant's request.**
- Z-23 C14-04-0139 - Howard Lane Industrial Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1100 East Howard Lane (Harris Branch Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Capital City Partners, Inc. (William M. Faust). Agent: The Faust Group (Bill Faust). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 041202-Z-23 for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.**
- Z-24 C14-04-0146 - The Shops at Arbor Walk - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10515 North Mopac Expressway (Shoal Creek Watershed) from public (P) district zoning to commercial highway (CH) district zoning. Planning Commission Recommendation: To grant commercial highway (CH) district zoning with conditions. Applicant: Board of Regents of The University of Texas System. Agent: Locke Liddell & Sapp LLP (Jay Hailey). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 041202-Z-24 for commercial highway (CH) district zoning with conditions was approved.**
- Z-25 C14-04-0148 - Wells Branch Commerce Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 14900 Block of Interstate Highway 35 North (Walnut Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: North IH-35 Business Park (William D. Schultz). Agent: Conley Engineering Inc. (Carl Conley P.E.). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 041202-Z-25 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**

- Z-26 C14-04-0155 - San Felipe Market - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7402 McNeil Drive and 7318 San Felipe Boulevard (Rattan Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Jack & Johns, Ltd./ San Felipe Market, Ltd. (John Baunach). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 041202-Z-26 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**
- Z-27 C14-04-0157 - Nouri Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 186 Pond Springs Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Masoud Nouri. Agent: Mo Moghadassi. City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 041202-Z-27 for commercial services-conditional overlay (GR-CO) combining district zoning was approved.**
- Z-28 C14-04-0162 - Arbor Square - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12885 Research Boulevard (U.S. Highway 183 North) (Rattan Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) district zoning. Applicant: Lumberman's Investment Corporation (Wayne McDonald). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 041202-Z-28 for community commercial-conditional overlay (GR-CO) district zoning was approved.**
- Z-29 C14-04-0063 - 2222 Business Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700 RM 2222 (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: International Bank of Commerce (Dennis Nixon). Agent: Urban Design (Laura Toups). City Staff: Glenn Rhoades, 974-2775.  
**The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**

**Item Z-30 was reconsidered later in the meeting.**

### **ZONING DISCUSSION ITEMS**

48. Central Austin Combined Neighborhood Plan - Approve an ordinance amending Ordinance No. 040826-56, which adopted the Central Austin Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to establish a land use designation on the future land use map for 1007 W. 22nd St (tract 34), 1919 Robbins Pl. (tract 35), and 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) the West

University Neighborhood Planning Area. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695.

**Ordinance No. 041202-48 establishing multi-Family for Tract 34, 1007 W. 22<sup>nd</sup> St., and Tract 35, 1919 Robins Pl., as the future land use was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**

**Action on Tract 80A, 2307-2309 Rio Grande St, was postponed to January 13, 2005 on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.**

49. C14-04-0021 - West University Neighborhood Planning Area Rezoning - Approved third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 W. 22nd Street (tract 34), 1919 Robins Place (tract 35), and 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande Street (Tract 80A) in the West University Neighborhood Planning Area. The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP, "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. The Neighborhood Mixed-Use Building special use is proposed for Tract 80A. City Council may approve a zoning change from Multi-Family Residence - Moderate-High Density (MF-4) district zoning and General Office (GO) district zoning to Family Residence (SF-3) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; and General Commercial Services (CS) district zoning. A Conditional Overlay (CO) combining district, Mixed Use (MU) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this rezoning request.
- Ordinance No. 041202-49 to zone Tract 34, 1007 W. 22<sup>nd</sup> St., and Tract 35, 1919 Robins Pl. as MF-4-CO-NP with a height limit of 40 feet was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**

**Action on Tract 80A, 2307-2309 Rio Grande St, was postponed to January 13, 2005 on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.**

- Z-30 C14-04-0152 - 4607 Manchaca Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4607 Manchaca Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Applicant: Jolico Family Ltd. (Liliana R. Cohen). Agent: Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
- Ordinance No. 041202-Z-30 for limited office (LO) district zoning was approved as part of the Zoning Consent action.**

**Item Z-30 was reconsidered on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**

This item was postponed to December 16, 2004 on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

### LIVE MUSIC

Rachel Loy

### PROCLAMATIONS

Certificates of Appreciation - Russian Technology Professionals - to be presented by Mayor Will Wynn and to be accepted by Albert Abilov, Petr Polianski and Olga Gulina

Distinguished Service Award - Maxine Barkan - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - 14th Annual Heavy Hitter Day - and Distinguished Service Award - Business Success Center -- to be presented by Mayor Will Wynn and to be accepted by Jan Triplett, PhD

Certificates of Congratulations - Volunteers of the Month for November and December - to be presented by Council Member Brewster McCracken and to be accepted by the honorees

Mayor Wynn called the Council Meeting back to order at 6:15 p.m.

### ZONING DISCUSSION ITEMS CONTINUED

- Z-31 C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 and 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant: John Suhuler. Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.  
**The public hearing was closed on Council Member Thomas' motion, Council Member Alvarez' second on a 6-0 vote. Council Member Slusher was off the dais.**

**This item was postponed indefinitely and withdrawn from the agenda on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**

### DISCUSSION ITEM

12. Approve an ordinance for the full purpose annexation of the Brandt Road Area (Approximately 32.85 acres in Travis County east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)  
**The first reading of the ordinance was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote. Direction was given to staff to initiate the zoning process with the goal of annexing fully zoned property.**

### ZONING DISCUSSION ITEMS CONTINUED

- Z-32 C14-04-0115 - Champion Tract 5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5618-5628 FM 2222, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive and 6201-6203 and 6401-6713 Capitol of Texas North (Bull Creek Watershed) from general commercial services-conditional overlay (GR-CO) combining district zoning to general commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Champion Assets Ltd. (Josie Champion). Agent: Graves, Dougherty, Hearon, Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-33)

**The public hearing was closed and the first reading of the ordinance for general commercial services-mixed use-conditional overlay was approved on Council Member McCracken's motion, Council Member Thomas' second on a 6-1 vote. Mayor Pro Tem Goodman voted nay.**

52. C14-02-0181 - Champion Tract - City Park Road West – Conduct a public hearing and approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 (Bull Creek Watershed) from development reserve (DR) district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Council approved neighborhood commercial-conditional overlay (LR-CO) combining district zoning at first reading. First reading on March 25, 2004. Vote: 4-3, Goodman, Slusher and Alvarez - nay. Applicant: Josie Champion. Agent: Graves, Dougherty, Hearon, Moody (Michael Whellan. City Staff: Glenn Rhoades, 974-2775.)

**The second reading for neighborhood commercial-conditional overlay (LR-CO) combining district zoning along with direction to staff to coordinate potential mediation failed on Council Member Thomas' motion, Council Member Dunkerley's second on a 2-5 vote. Those voting aye were: Council Members Dunkerley and Thomas. Those voting nay were: Mayor Wynn, Mayor Pro Tem Goodman and Council Members Alvarez, McCracken and Slusher.**

**The motion to deny the request was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Thomas voted no.**

53. C14-03-0140 - Champion Tract - City Park Road East – Conduct a public hearing and approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road and 5801-6507 FM 2222 (Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Council approved general office-conditional overlay (GO-CO) combining district zoning at first reading. First reading on March 25, 2004. Vote: 4-3, Goodman, Slusher, Alvarez - nay. Applicant: Josie Champion. Agent: Graves, Dougherty, Hearon, Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775.

**The second reading for general office-conditional overlay (GO-CO) combining district zoning, along with direction staff to coordinate potential mediation, failed on Council Member Thomas' motion, Council Member Dunkerley's second on a 2-5 vote. Those voting aye were: Council Members Dunkerley and Thomas. Those voting nay were: Mayor Wynn, Mayor Pro Tem Goodman and Council Members Alvarez, McCracken and Slusher.**

**The motion to deny the request was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Thomas voted no.**

- Z-33 C14-04-0116 - Champion Tracts 1-3 and Single Family Residential Tracts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800-6802 FM 2222, 6100-6712 Loop 360, 6507 Winterberry Drive and 6702-6710 Capitol of Texas North (Bull Creek Watershed) from multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning, neighborhood commercial-conditional overlay (LR-CO) combining district zoning, general office-conditional overlay (GO-CO) combining district zoning and single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning to multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning and single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning and single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Applicant: Champion Assets Ltd. (Josie Champion). Agent: Graves, Dougherty, Hearon, Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-32)

**The public hearing was closed on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

**The motion to deny the request was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6 to 1 vote. Council Member Thomas voted no.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

54. Conduct a public hearing and approve an ordinance adopting the assessment roll and levying assessments for 2005 for the East Sixth Street Public Improvement District (PID). (Related Item 2)  
**The public hearing was closed and Ordinance No. 041202-54 was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**
2. Amend Ordinance No. 040913-01, the 2004-2005 Operating Budget for Economic Growth and Redevelopment Services Office Special Revenue Fund to adopt a budget for the East Sixth Street Public Improvement District (PID), with a beginning balance of \$0, Revenue of \$80,731, Requirements of \$76,731, and resulting in an ending balance of \$4,000 to be used as a reserve. (Funding in the amount of \$37,231 is available through 2005 assessments (at a 96% collection rate) and a \$43,500 contribution from the City of Austin (Austin Energy). Revenue adjustments may be made as a result of the City Council's action on the assessment roll Public Hearing.) (Related Item 54)  
**Ordinance No. 041202-02 was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**

**The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.**

**PUBLIC HEARINGS CONTINUED**

61. Conduct a public hearing and approve an ordinance creating a reinvestment zone under Chapter 311, Texas Tax Code (the Tax Increment Financing Act) for Mueller Property (formerly the Robert Mueller Municipal Airport), establishing a Board of Directors for the zone and approving related matters. The tax increment financing zone will be known as "Reinvestment Zone Number Sixteen, City of Austin, Texas."  
**This item was postponed to December 16, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.**

**Mueller Property Development Items**

55. Conduct a public hearing on the Master Development Agreement and all related documents, ordinances, and resolutions; and approve a resolution authorizing the City Manager to execute the Master Development Agreement and all related documents with CATELLUS AUSTIN, LLC., concerning the Mueller Property (formerly the Robert Mueller Municipal Airport).  
**The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**  
**Resolution No. 041202-55 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**
56. Approve an ordinance adopting an Ancillary Agreement with CATELLUS AUSTIN, L.L.C., regarding redevelopment of the Mueller Property (formerly the Robert Mueller Municipal Airport); and waiving certain requirements of Chapter 5-1 (*Housing Discrimination*) and Section 25-1-112 (*Fiscal Security*) of the City Code.  
**Ordinance No. 041202-56 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**
57. Approve the form of the Mueller License Agreement for private improvements on public lands for the Mueller Property (formerly the Robert Mueller Municipal Airport); and approve an ordinance authorizing the City Manager to execute the Master License Agreement with CATELLUS AUSTIN, LLC for community improvements on public land; and waiving certain requirements of Chapter 14-11 (*Use of Right-of-Way*) of the City Code.  
**Ordinance No. 041202-57 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**
58. Approve a resolution adopting the City's M/WBE Mueller Outreach Plan for marketing and outreach efforts to encourage and maximize opportunities for minority and women business participation in the Mueller Property (formerly the Robert Mueller Municipal Airport).  
**Resolution No. 041202-58 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**
59. Approve a resolution adopting the City's Affordable Housing policy for the Mueller Property (formerly the Robert Mueller Municipal Airport).  
**Resolution No. 041202-59 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**

60. Approve a resolution establishing the Mueller Local Government Corporation under Subchapter D, Chapter 431, (Texas Transportation Corporation Act) of the Texas Transportation Code; approving and adopting the corporation's Articles of Incorporation, and Bylaws; and appointing the members of the City Council as the corporation's board members.

**Resolution No. 041202-54 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**

**The motion to adjourn the meeting at 10:41 p.m. was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.**

**The minutes for the Regular Meeting of December 2, 2004 were approved on this the 16th day of December, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**